

MOLDOVA STATE UNIVERSITY
DOCTORAL SCHOOL OF LEGAL AND ECONOMIC SCIENCES

As manuscript:
C.Z.U.: 342.71:340.134:340.5(498:478)(043.2)

Lazăr Matei

THE CITIZEN AS A SUBJECT
OF THE LEGISLATIVE AND NORMATIVE PROCESS
IN ROMANIA AND THE REPUBLIC OF MOLDOVA

Specialty: 552.01. Constitutional Law

Summary of the Doctoral Thesis in Law

Chișinău, 2025

The thesis was elaborated within the Doctoral School of Legal and Economic Sciences at Moldova State University.

Doctoral Commission for public defense:

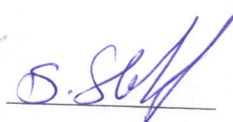
<i>The President of the Commission:</i>	SLUSARENCO Sv., PhD, Associate Professor, Moldova State University
<i>Supervisor of doctoral studies:</i>	COSTACHI Gh, PhD hab. in law., University professor, Moldova State University
<i>Official reviewers:</i>	SMOCHINĂ A., PhD hab. in law., University professor, Moldova State University ȚURCAN S., PhD, Associate Professor, Free International University of Moldova BELECCIU Șt., PhD, University professor, „Ștefan cel Mare” Academy of the Ministry of Internal Affairs of the Republic of Moldova

The public defense will take place on November 5, 2025, at 10:00 a.m., during the meeting of the Doctoral Commission of the Doctoral School of Legal and Economic Sciences, Moldova State University, at the following address: MD-2009, Republic of Moldova, Chișinău Municipality, M. Kogălniceanu Street 67, Building 2, Room 119.

The abstract was submitted on September 27, 2025.

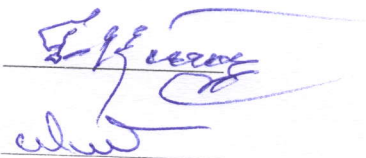
The President of the Doctoral Commission:

Slusarenco Svetlana,
PhD, Associate Professor



Scientific Supervisor:

Costachi Gheorghe,
PhD hab. in law., University professor



Author:

Lazăr Matei



© Lazăr Matei, 2025

TABLE OF CONTENTS

Conceptual guidelines of the Thesis	4
Content of the Thesis	7
General Conclusions and Recommendations	20
Bibliography	24
List of the Author's Publications on the Topic of the Thesis	25
<i>Adnotare</i>	27
<i>Annotation</i>	28
<i>Аннотация</i>	29

CONCEPTUAL GUIDELINES OF THE THESIS

Relevance and importance of the research topic. The idea of democracy, which emerged in ancient Greece, was later adopted by modern societies, being further developed and adapted to the realities of contemporary times. The etymology of the term reveals its original meaning as the direct governance of the state by its citizens. The practical impossibility of applying democracy in this original form within modern states has led to its rethinking and restructuring, namely the transformation of the concrete means by which citizens express their will in the state – from direct to representative democracy. In the latter, the prerogatives of power belong to the people, who exercise them sovereignly, but through an electoral body [1, pp. 103–104]. Alongside the system of representative democracy, there currently operates the so-called semi-direct or participatory democracy, achieved through the institutionalization of certain mechanisms of direct popular intervention in the law-making process.

Consequently, it is now almost universally recognized that the building and consolidation of a democratic state governed by the rule of law requires constant effort and significant influence from citizens over the activity of public authorities, with the aim of adopting the necessary legislative measures directed toward strengthening the real power of the people, in their capacity as the sole holder of sovereign authority.

In contemporary democratic systems, citizens have the right to good governance as well as the opportunity to contribute directly to the affairs of the state at any level. This underscores the need for constant and continuous efforts to ensure citizen involvement in governance, particularly in its legislative and normative aspects [2, p. 15]. Within this framework, it is considered that an important direction for the development of the state's political system in the contemporary stage is the increasingly active participation of citizens in state governance, especially in the law-making process.

Thus, the issue of citizen participation and that of their associations in the legislative process has become particularly topical. It is increasingly argued that the establishment of the rule of law and the consolidation of legal supremacy are impossible without the active involvement of citizens in the decision-making processes of authorities. Furthermore, special emphasis is placed on the need to provide effective legal mechanisms through which citizens can initiate and contribute to the drafting of laws and normative acts, so that these reflect the priorities and interests of the broadest social groups. In this regard, there is a call for strengthening the legal framework that allows citizens to submit legislative proposals and actively participate in regulating various social relations.

Regarding the issue of citizen involvement in the legislative and normative process in Romania and the Republic of Moldova, this matter is of major importance, given the political and social context of the two states and the need to strengthen democracy. The relevance of this topic is highlighted by the following key aspects:

a) The need to strengthen democracy and citizen participation. The democratization process in Romania and the Republic of Moldova is continuously evolving, and citizen involvement in the legislative and normative process represents a fundamental element for ensuring its legitimacy and efficiency. Although democratic structures have been established, active citizen participation in decision-making remains a challenge. Accordingly, the need persists to analyze the extent to which the current legislative framework facilitates such involvement.

b) Comparison between the legislations of Romania and the Republic of Moldova. Although the two states have followed distinct political trajectories, they share common objectives related to the

consolidation of democracy and integration into international and European structures. A comparative study of the legislation on citizen involvement in the normative and legislative process allows the identification of commonalities and differences, providing an important theoretical basis for formulating recommendations aimed at enhancing citizen participation.

c) Creating an inclusive and participatory legal framework. In a democratic system, laws must reflect the needs of citizens. Citizens should not be regarded merely as beneficiaries of legislation, but also as actors in the process of drafting legal norms. Studying these aspects allows for an assessment of the extent to which the legislations of Romania and the Republic of Moldova enable real citizen participation in the normative and legislative process, thereby contributing to transparency and accountability in decision-making.

Under these circumstances, researching the legal mechanisms for citizen participation, together with other legal subjects, in the legislative process of the law-making authority and in the normative process of central and local public authorities becomes crucial for understanding how a balance can be achieved between state power and active civil society engagement. Studying these mechanisms contributes not only to clarifying the role of citizens in the decision-making process but also to identifying potential gaps in existing regulations that may affect the transparency, efficiency, and legitimacy of normative acts.

The aim of the study is to conduct a comparative analysis of the legal mechanisms for citizen participation in the legislative and normative process in Romania and the Republic of Moldova, with a view to identifying and evaluating existing legal instruments, elucidating the related issues, and formulating solutions to optimize the legal framework, thereby contributing to the consolidation of participatory democracy and the rule of law.

To achieve this aim, the following **research objectives** have been set:

- To analyze the theory of law-making and norm-setting, the theory of participatory democracy, and citizens' right to administration, in order to establish the methodological foundation of the research and the conceptual framework necessary for examining the legal mechanisms of citizen participation in the legislative and normative process;

- To analyze the legislative and normative processes in Romania and the Republic of Moldova, delineating the essence, regulatory features, subjects, responsibilities, and specific stages of each;

- To study the forms of citizen participation in the legislative process in Romania and the Republic of Moldova, through the analysis of established legal institutions (popular legislative initiative, public consultation, referendum) and the evaluation of their regulation, in order to assess the extent to which they can be effectively utilized and their degree of efficiency in ensuring genuine citizen involvement in legislative decision-making;

- To investigate the modalities of citizen participation in the normative process of central and local public authorities in Romania and the Republic of Moldova, in order to evaluate the efficiency of established legal instruments and determine the extent to which they allow for real citizen involvement in normative decision-making.

Research hypothesis. The study is based on the premise that, although the constitutional and legislative frameworks of Romania and the Republic of Moldova regulate citizen participation in the legislative and normative process, in practice such participation is limited and often merely formal. Consequently, participatory democracy is more declared than effectively realized. A comparative and

critical analysis of the existing legal mechanisms can demonstrate the extent to which citizen participation is genuine and can provide a basis for solutions to transform it into a substantive element of the rule of law.

Methodological framework. Given the complexity of the topic and the comparative approach adopted, the study employed the most relevant scientific research methods in the legal field, including:

- *Logical Method* – In the context of this study, the logical method was used to construct a coherent and rational argument regarding citizen involvement in the legislative and normative process in Romania and the Republic of Moldova. The application of this method enabled the development of a critical analysis of existing regulations and their impact on participatory democracy in both states.

- *Systemic Method* – This method was employed to analyze the legislative and normative process as part of a complex system, in which various components – state institutions, the legislative framework, and mechanisms for citizen participation – are interconnected and mutually influence one another. The application of the systemic method highlighted the relationships between these elements and the role of citizens in the decision-making process. Through this holistic approach, the research provided a clearer perspective on the interdependencies within the legal system and on how citizen participation contributes to the efficient functioning of democracy and the rule of law.

- *Comparative Method* – As a fundamental instrument of this study, the comparative method facilitated the analysis of regulations from two distinct legal systems. It allowed for the identification of essential similarities and differences between the legislative and normative processes in Romania and the Republic of Moldova, thus contributing to a better understanding of the impact of constitutional and legislative provisions on citizen participation. Furthermore, the comparative method provided a framework for evaluating the existing legal mechanisms and how they support the consolidation of democracy and the rule of law in both countries.

By combining these research methods, the study conducted a detailed and well-founded analysis of the legislative and normative processes in Romania and the Republic of Moldova, as well as the legal mechanisms of citizen participation. This approach enabled the identification of strengths and deficiencies within the two legal systems, thereby allowing for the proposal of solutions to improve citizen involvement in the decision-making process.

Doctrinal support. The doctrinal support of the research consists of valuable scientific works authored by Romanian and Moldovan scholars such as: Gh. Costachi, I. Guceac, A. Smochină, Al. Arseni, Gh. Avornic, B. Negru, P. Railean, V. Arnăut, V. Vedinaș, A. Trăilescu, G. Chiveri, I.N. Postolache, T. Drăganu, A. Iorgovan, V. Popa, N. Popa, I. Muraru, E.-S. Tănăsescu, I. Deleanu, A. Varga, V. Bărbățeanu, T. Pînzaru, I. Vida, D. Apostol Tofan, M. Voican, A. Trăilescu, V. Scripnic, among others.

In parallel with the theoretical foundation, the research also relied on a substantial normative framework, consisting of the Constitutions of the two states and numerous legislative and regulatory acts of each.

Scientific novelty of the results. The scientific novelty and originality of the study lie in the comparative approach to the legislative and normative processes in Romania and the Republic of Moldova, as well as to the legal mechanisms for citizen participation within these processes. The study is distinguished by a detailed analysis of legal instruments for citizen participation – popular legislative and normative initiatives, public consultations, and referenda – in the context of the two states, aiming

to highlight the similarities and differences in their regulation and to assess their applicability and effectiveness in strengthening participatory democracy.

The results obtained, which contribute to addressing an important scientific problem, consist in the development of a comparative analysis of the legal mechanisms for citizen participation in the legislative and normative process in Romania and the Republic of Moldova. This analysis allowed for the evaluation of established institutions and legal instruments (popular legislative and normative initiatives, public consultations, referenda), the assessment of their effectiveness in ensuring genuine citizen involvement in decision-making, and, consequently, the formulation of solutions to optimize the legal and constitutional framework. These solutions are intended to consolidate participatory democracy and to guide citizen participation in legislative and normative processes.

Theoretical significance and practical value of the work. The research results contribute to the development of constitutional law and administrative law by strengthening the legitimacy and transparency of the decision-making process in Romania and the Republic of Moldova. They can serve as references for future research, as a theoretical support in teaching specialized courses, and in the practice of decision-making processes in both states.

Approval of the results. The work was carried out within the Doctoral School of Legal and Economic Sciences at Moldova State University and was examined at all stages in accordance with the applicable regulatory framework.

The main scientific results obtained have been published in specialized scientific journals and approved at significant national and international scientific forums. Specifically, these include four scientific articles and twelve presentations at scientific forums.

Volume and structure of the work. The thesis is structured according to the research aim and the objectives set and comprises: *Introduction* – which presents the argument for the relevance of the research topic and its scientific novelty; *Three chapters* – which examine the important aspects of the topic, aiming to achieve the research aim and objectives; *General Conclusions and Recommendations* – which summarize the main scientific results obtained from the research and propose measures for optimizing the situation in the field; *Bibliography* – which represents the documentary and doctrinal support of the thesis, comprising 214 sources.

CONTENT OF THE THESIS

Chapter 1 – The status of the citizen as a subject of the legislative and normative process: doctrinal approach and methodological foundation. This chapter is dedicated to the analysis of the degree of scientific research on the subject and, additionally, to the development of the theoretical framework provided by the theory of law-making and norm-setting, the theory of participatory democracy, and the citizen's right to administration, thus offering the necessary methodological foundation for the doctoral research.

In the first paragraph – 1.1. *The degree of scientific research on the status of the citizen as a subject of the lawmaking and normative process in Romania and the Republic of Moldova* – the extent of scientific research on the subject is highlighted by emphasizing the doctrinal contributions present in Romanian and Moldovan legal literature.

The issue of the citizen's status as a subject of the legislative and normative process in Romania and the Republic of Moldova represents a field of particular scientific interest, which has been addressed over the past three decades in the context of consolidating the rule of law and civil society.

Although extensive and diverse, the existing specialized literature mainly focuses on legislative and administrative institutions and procedures, leaving secondary attention to a systematic and comparative analysis of the citizen's actual role and the effectiveness of participatory mechanisms.

Within the general theory of law, researchers have highlighted the importance of normative acts, the legislative process, and fundamental democratic principles (legality, constitutionality, citizen consultation). However, the conceptual separation between "legislation" (at the parliamentary level) and "norm-setting" (at the level of executive authorities) remains insufficiently developed, generating confusion regarding the instruments available for citizen intervention. Romanian and Moldovan doctrinal contributions – both foundational works in the general theory of law and democracy, as well as specialized studies in constitutional, parliamentary, and administrative law – have, however, clarified the relationships between citizens and authorities, emphasizing the citizen's role in the formulation, adoption, and implementation of normative acts.

The specialized literature also analyzes concrete mechanisms of civic participation, such as popular legislative initiatives, referenda, and public consultations, providing a detailed perspective on the legal framework, admissibility conditions, jurisprudence, and their political and social impact. Research emphasizes the importance of citizens' right to administration as a constitutional guarantee of active involvement in the decision-making process and the consolidation of participatory democracy.

At the same time, studies in formal legislative technique and administrative law contribute to understanding legislative drafting, parliamentary procedures, government ordinances, and the role of public administration – both central and local – in creating and implementing legal norms. These works allow for an integrated analysis of the interaction between legislative and executive powers and the citizen, highlighting the factors that influence the effectiveness of democratic participation.

Overall, existing research provides a solid foundation for understanding and developing legal mechanisms for citizen involvement in the legislative and normative process. However, there remains a need to address conceptual and practical gaps regarding the distinction between legislation and norm-setting, as well as to optimize the institutional and normative framework to ensure genuine and effective citizen participation in democratic governance. The doctoral research aims to address these issues by integrating the perspective of participatory democracy with the analysis of legislation and norm-setting in Romania and the Republic of Moldova.

The second paragraph of the chapter (*1.2. The theory of legislation and norm-setting as a methodological premise for researching the citizen's status as a subject of the legislative and normative process*) is dedicated to the theory of legislation and norm-setting, viewed as a foundation for the conceptual distinction between the notions of "legislative process" and "normative process," and, correspondingly, for identifying the methodological particularities in analyzing the legal status of the citizen.

The creation of law represents a fundamental activity of the rule-of-law state, essential for the organization of society and the stability of the legal system. It encompasses both the process and its outcome, materialized in legal norms and normative acts that have entered into force. Specialized literature defines the creation of law as the activity of state bodies aimed at adopting, amending, or repealing legal norms, a process through which the will of the citizens is transposed into law.

The legislative function of the state is carried out through two main modalities: *lawmaking* and *norm-setting*, each with a distinct role and character. Lawmaking refers to the adoption of laws by the

supreme legislative authority – the Parliament – and constitutes the central activity that establishes the primary norms of law. Norm-setting, in contrast, refers to the activity of other state authorities, particularly executive or administrative, which adopt normative acts subordinate to laws, intended to detail and ensure their application.

The distinction between lawmaking and norm-setting is justified by essential differences regarding the typology of normative acts, competent subjects, adoption procedures, legal force, and oversight. Lawmaking creates primary legal norms and is subject to constitutional control, whereas norm-setting complements and details these norms and is subject to legality control by the judiciary.

This methodological differentiation is of major importance for analyzing the citizen's status as a subject of the legislative and normative process: only through a clear understanding of how lawmaking and norm-setting function can the citizen's concrete role and rights in participating in the law-making process be assessed. This comparative perspective, applied to the experiences of Romania and the Republic of Moldova, forms the basis for analyzing citizen involvement in lawmaking (Chapter II) and norm-setting (Chapter III), allowing for an assessment of the effectiveness of participation mechanisms and contributing to the consolidation of participatory democracy and the legitimacy of the decision-making process.

The third paragraph of the chapter (*1.3. The theory of participatory democracy as a methodological premise for researching citizen involvement in the state's decision-making process*) examines the theory of participatory democracy, highlighting its relevance for defining the citizen's role in the decision-making process and for explaining the legitimacy of their participation in the development of legal norms.

To understand the citizen's status as a subject of the lawmaking and normative process, it is essential to refer to the theory of participatory democracy, which provides the methodological framework necessary for analyzing civic involvement as an expression of democratic legitimacy.

Democracy, a complex and multidimensional phenomenon, has historically manifested as direct democracy in small communities, such as the Greek poleis, and as representative democracy in modern societies characterized by large populations and extensive territories. While representative democracy has enabled the exercise of power through elected representatives, in recent decades it has generated a legitimacy deficit and a distancing of citizens from public decisions.

In response to these limitations, participatory democracy has emerged as a contemporary model, ensuring active consultation of citizens before decisions are taken by public authorities. This involves not only voting or formal representation but also genuine dialogue between citizens and state institutions through public debates, hearings, and consultations. The concept of deliberative democracy, derived from participation, emphasizes the role of reasoning and argumentation in shaping collective decisions, thereby strengthening the connection between authorities and societal needs.

The effective implementation of participatory democracy depends on a combination of objective factors, such as material resources, the legal framework, and the functioning of institutions, and subjective factors, such as citizen engagement and the accountability of public officials. Civil society and representative organizations play a crucial role in facilitating public involvement, ensuring transparency, responsibility, and decision-making efficiency. In conclusion, the theory of participatory democracy provides essential methodological guidelines for doctoral research, allowing for the

delineation of forms of citizen participation and the evaluation of legal mechanisms in light of the principles of the rule of law and democratic legitimacy.

The fourth paragraph of the chapter (*1.4. The citizen's right to administration as a foundation of participatory democracy*) develops the theme of the citizen's right to administration, analyzed as a constitutional foundation of participatory democracy and as a normative basis for the effective involvement of citizens in the activities of public authorities.

The citizen's right to administration constitutes an essential pillar of participatory democracy, reflecting not only a formal legal guarantee but also a mechanism that ensures decision-making transparency, the accountability of public authorities, and the legitimacy of governmental acts. Through the exercise of this right, citizens actively participate in the decision-making process, influencing public policies and overseeing the activities of administrative institutions, thereby preventing abuses of power and enhancing the efficiency of public administration.

The importance of the right to administration also derives from its international recognition through legal instruments such as the Universal Declaration of Human Rights (Art. 21) and the International Covenant on Civil and Political Rights (Art. 25), which guarantee citizens' participation in public affairs, equal access to public offices, and the organization of free and fair elections. In the Republic of Moldova, this right is explicitly enshrined in Article 39 of the Constitution, emphasizing the central role of citizens in public life and ensuring equal access to public positions.

The right to administration encompasses two fundamental dimensions: participation through representatives and direct participation. Through elected representatives, citizens exercise national sovereignty by appointing individuals responsible for managing public affairs. This form of participation constitutes the essence of representative democracy and ensures the accountability, transparency, and efficiency of public bodies. Direct participation is realized through holding public office and engaging directly in the decision-making process, including via referenda, providing citizens with the opportunity to influence decisions and the management of society's general interests firsthand.

The exercise of the right to administration is governed both by constitutional provisions and by general and special laws regarding public offices, the status of civil servants and officials, decision-making transparency, and access to information. Legal conditions for access to public offices constitute reasonable limitations designed to ensure professionalism, impartiality, and efficiency in public administration, without diminishing the citizen's constitutional right.

Consequently, the right to administration guarantees citizens essential prerogatives, such as participation at every stage of the decision-making process, access to information, initiation of decisions, submission of recommendations, and being informed of outcomes. These mechanisms transform citizens from mere recipients of governmental acts into active and responsible participants in the governance of society.

In conclusion, doctrinal and normative analysis highlights that the citizen's right to administration constitutes a fundamental pillar of participatory democracy, recognized both at the constitutional level (in the Republic of Moldova) and internationally through legal instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Active participation by citizens, whether directly or through representatives, ensures transparency in decision-making, accountability of public authorities, and the prevention of abuses of power.

Nevertheless, although the principle of citizen participation is established, practical mechanisms for its implementation pose challenges: there are legislative gaps, discrepancies between national regulations and international standards, and difficulties in effective application, especially in the context of various forms of participation, such as public consultations, popular legislative initiatives, or involvement in the normative process of central and local authorities. Furthermore, the digitalization of administration and technological developments are changing the dynamics of the state–citizen relationship, requiring adaptation of the legal framework and participation tools.

Therefore, research on this issue is necessary to:

1. *Clarify existing legal mechanisms* – identifying the effective ways in which citizens can participate in the normative and lawmaking process, and analyzing their limitations;
2. *Compare the legal frameworks of Romania and the Republic of Moldova* – to identify best practices and possible solutions for harmonization or optimization;
3. *Increase the efficiency of citizen participation* – to ensure that the right to administration does not remain formal but becomes a concrete instrument for influencing public policies and authority decisions.

Thus, the doctoral research contributes to the consolidation of a modern participatory democracy, in which the citizen is an active and effective actor in public life, and the lawmaking and normative process reflects the genuine interests and will of society.

Chapter 2 – The citizen as a subject of the lawmaking process in Romania and the Republic of Moldova – analyzes the status of the citizen as a participant in the lawmaking process, highlighting the particularities and structure of the process in both states, as well as the main forms of civic involvement, emphasizing the differences and similarities between them.

In the first paragraph (2.1. *Particularities of the lawmaking process in Romania and the Republic of Moldova*), the characteristics of the lawmaking process in the two countries are compared, with a focus on the stages and mechanisms specific to each constitutional system.

The legislative function – understood as the activity of enacting general legal norms that are binding and guaranteed by the coercive power of the state – belongs, in both constitutional systems, to the Parliament, recognized as the sole lawmaking authority (Art. 61 of the Constitution of Romania; Art. 60 of the Constitution of the Republic of Moldova). As the representative body of national sovereignty, Parliament transforms political and social debate into legal regulation, providing stability and predictability to the rule of law.

Lawmaking unfolds within distinct yet coherent procedural frameworks: a pre-parliamentary stage, focused on the substantiation of solutions and the drafting of the bill (dominated by legislative technique rules and institutional/societal dialogue); a parliamentary stage, decisive through debate and adoption (more complex in bicameral systems); and a post-parliamentary stage, which enshrines the norm through promulgation, possible constitutional review, re-examination, and publication. This sequence ensures both democratic legitimacy and the quality of the legal norm.

In Romania, the Constitution outlines the essential framework: holders of legislative initiative (the Government, parliamentarians, citizens), the bicameral procedure (chamber of reflection and decision-making chamber), mechanisms for promulgation, and constitutional review. The rules of procedure of the two Chambers provide detailed guidance on the role of committees, the amendment process, transparency of proceedings, and deadlines, thereby reinforcing procedural discipline and

transparency. In the Republic of Moldova, the Constitution establishes the core aspects (categories of laws, initiative, adoption, entry into force), while the Parliament's Rules of Procedure comprehensively elaborate the internal stages: registration, appraisal (including by the Government and the Legal Directorate), committee work, readings, rejection/adoption, and signing of acts.

In practice, the subjects of lawmaking extend beyond Parliament. The Head of State intervenes through promulgation and, where applicable, by requesting re-examination; in Moldova, the Head of State also holds the right of legislative initiative. The Government exerts significant influence on the normative agenda through legislative initiative and delegated acts (ordinances), benefiting from technical capacity and expertise. Constitutional Court oversight ensures the conformity of laws with the fundamental law.

On the participatory level, citizens in Romania have legislative and constitutional initiative, as well as a mandatory constitutional referendum to confirm constitutional revisions; in the Republic of Moldova, popular initiative is recognized only for constitutional revision, and a constitutional referendum is required selectively (for provisions concerning sovereignty, independence, unity, and neutrality).

Against this background, two main conclusions emerge. First, although procedural architectures differ, the democratic logic of lawmaking is shared: from the initiation of a bill to its entry into force, the law passes through successive stages of substantiation, deliberation, validation, and publication, which enhances normative quality. Second, the plurality of actors – Parliament, Government, Head of State, Constitutional Court, and, in varying forms, the citizens – functions as a mechanism of balance and control over legislative power, preventing excessive concentration, ensuring that solutions align with the general interest, and strengthening the representative-participatory character of the rule of law in both systems.

The second paragraph of the chapter (2.2. *Forms of citizen participation in the legislative process*) is dedicated to a general presentation of the various forms of citizen participation in the legislative process, explaining how these forms contribute to shaping legislation and how they are regulated within the legal-constitutional frameworks of Romania and the Republic of Moldova.

The legislative decision-making process represents the most important form of exercise of state power, and citizen participation within this process constitutes a fundamental condition for the consolidation of democracy and the rule of law. Citizen involvement is not merely a tool for legitimizing the normative act but also a mechanism of social control over the legislature's activity, preventing the adoption of laws inconsistent with the public interest and reducing the risk of errors or of corporatist and partisan influences.

From a theoretical perspective, the specialized literature highlights multiple functions of participation: ensuring the general interest, creating social oversight of the lawmaking process, enhancing decision-making transparency, holding authorities accountable, and bridging the gap between the legislature and society. The absence of these mechanisms leads to citizens' disengagement from institutions and the erosion of public trust. Furthermore, increased transparency in the early stages of drafting normative acts ensures the subsequent efficiency of their implementation and avoids costs generated by design deficiencies.

Historical analysis shows that in the USSR and during the Soviet period in Moldova, practices of mass public consultation existed; however, they were formal and directed in nature. The transition to

democracy introduced new instruments of participation. In the Republic of Moldova, a key development was the adoption of Parliamentary Decision No. 149/2023 regarding the Platform for Civic Dialogue and Participation, which institutionalizes public hearings, working groups, expert councils, and annual conferences, transforming participation from a sporadic practice into a recognized legal mechanism. In Romania, after 1989, significant steps were taken by legally establishing decision-making transparency in public administration through Law No. 52/2003, although parliamentary public consultations remain insufficiently regulated and depend on the internal rules of the Chambers.

Regarding classification, research shows that the traditional distinction between active forms (legislative initiative) and passive forms (referendum, public consultations, participation in elections, anti-corruption expertise) is debatable. Electing representatives does not constitute direct participation in the legislative process, and anti-corruption expertise, although regulated in the Republic of Moldova under the authority of the National Anticorruption Center, does not ensure effective citizen involvement. A more relevant classification is based on effect:

- *Forms initiating the legislative process* – popular legislative initiative.
- *Forms influencing the legislative process in progress* – public consultations on draft normative acts.
- *Forms concluding the legislative process* – legislative referendum.

The conclusion of the research is that these three instruments—popular legislative initiative, public consultation, and referendum—constitute the fundamental and legally recognized forms of citizen participation in the legislative process in Romania and the Republic of Moldova. They represent concrete expressions of participatory democracy, essential for maintaining balance between authorities and society, ensuring transparency and accountability in decision-making, and guaranteeing the quality of normative acts. At the same time, the study highlights the need for continuous development and improvement of these mechanisms to transform them into effective and efficient tools of civic engagement.

The third paragraph of the chapter (2.3. *The legislative initiative as a form of citizen participation in the legislative process*) is dedicated to analyzing the legislative initiative as a mechanism through which citizens can propose amendments or additions to existing legislation, including constitutional revision, while evaluating the regulations in Romania and the Republic of Moldova.

The institution of the “legislative initiative” is viewed in doctrine either as a stage of the lawmaking procedure (the act of submitting a proposal to Parliament) or as a subjective right of certain entitled holders to propose a legislative project or proposal. From this distinction arises the differentiation of the “popular legislative initiative” (the collective right of citizens to trigger the parliamentary procedure for a draft law) from other related mechanisms (constitutional initiative, referendum), which have different logic and effects within the decision-making framework.

The analysis of the comparative constitutional framework shows that Romania explicitly recognizes citizens’ right to legislative initiative (art. 74), whereas the Republic of Moldova does not enshrine this right, limiting citizens’ direct participation to the constitutional revision initiative. Doctrinal attempts in Moldova to deduce an “equivalent” through the institution of the legislative referendum are unconvincing: the popular legislative initiative triggers a parliamentary procedure, whereas the referendum transfers the final decision to the electorate. Interim conclusion: in Moldova,

there is no normative link allowing citizens to initiate ordinary or organic laws, which substantially diminishes the participatory dimension of democracy.

From a European perspective, the study highlights a useful nuance: the European citizens' initiative is an "agenda-setting initiative," not a popular initiative in the classical sense – it proposes to the Commission the launch of a legislative process without directly triggering the adoption procedure. This distinction reinforces the idea that participatory mechanisms exist along a spectrum of intensity: from agenda-setting to the initiation or finalization of the normative process.

In Romania, the institution is operationalized through Law no. 189/1999, featuring a stringent but predictable procedural framework: an initiative committee, publication in the Official Gazette following the Legislative Council's opinion, collection of support signatures (minimum 100,000, with territorial dispersion), referral to the Constitutional Court for limited preventive review, and subsequent parliamentary procedure. Two types of limitations are essential: (i) material – excluding initiatives on fiscal matters, international agreements, amnesty, and pardon; (ii) procedural – numerical and territorial thresholds, along with formal verifications. Although the necessity of preventive review by the Court has been critiqued, its function as a filter for extrinsic compliance remains a benchmark for legality and procedural order.

From an axiological perspective, the research emphasizes that the citizen initiative primarily serves as a trigger and signal: it obliges Parliament to discuss a socially validated issue without compelling it to adopt the proposed solution. The effectiveness of the institution therefore depends on civic mobilization capacity, the technical-legal quality of the proposal, and the responsiveness of the legislative body. Even if rejected, a legitimate initiative remains a robust indicator of a regulatory need.

In the Republic of Moldova, although citizens hold the right to a constitutional initiative (with high thresholds and requiring the Constitutional Court's opinion), the absence of a framework law following the repeal of Law no. 387/2001 leaves the procedure at a constitutional minimalism, complicating the effective exercise of the right. Moreover, Moldova's specific context – where only certain constitutional revisions mandate a referendum – and the possibility of the initiative "lapses" if Parliament does not adopt the law within one year, further undermine the instrument's efficacy.

The research conclusions are clear: (1) the popular legislative initiative is the most powerful instrument of direct participation in the lawmaking initiation phase, with Romania offering a functional – albeit improvable – model that balances civic openness with procedural safeguards; (2) in the Republic of Moldova, the lack of constitutional recognition of citizens' legislative initiative constitutes a structural deficiency in participatory democracy, which a constitutional revision initiative should explicitly address; (3) regardless of formal recognition, effectiveness depends on three cumulative conditions: clear and non-burdensome procedural standards, technical-legal support for drafting proposals, and an institutional culture of parliamentary receptivity. In this light, the introduction of a popular legislative initiative in Moldova, coupled with a special procedural law and technical support mechanisms, would strengthen participatory democracy, reduce the gap between social agendas and the normative program, and enhance the legitimacy of decision-making in the rule-of-law state.

The fourth paragraph of the chapter (2.4. *Public consultation as a form of citizen participation in the legislative process*) explores the public consultation process as an instrument through which citizens can provide feedback and opinions on draft legislation, emphasizing the legal procedures and their effectiveness in promoting a transparent legislative process.

This section analyzes the public consultation of draft legislative acts as a distinct instrument of civic participation, created by law (not by the Constitution), with the purpose of collecting well-founded objections and proposals from citizens and integrating – or duly rejecting – them in the content of the norms. The democratic and qualitative benefits are evident (transparency, legitimacy, quality of regulation); however, effectiveness depends on the rigor of the legal framework and its practical application.

In the Republic of Moldova, public consultation is expressly regulated by Law no. 100/2017 on normative acts and by the Parliament's Rules of Procedure, operating both at the pre-parliamentary and parliamentary stages. The law grants consultation the status of a distinct and mandatory stage of lawmaking, correlated with legal review and EU law compliance assessment. The drafter of the project is required to::

- submit the draft for consultation (prior to or concurrently with legal review);
- receive well-founded recommendations from civil society (including draft text proposals);
- prepare a synthesis of the recommendations and explicitly justify the acceptance or rejection of each;
- repeat the consultation if new concepts emerge or if more than 30% of the text is modified;
- organize debates for conceptual divergences; in the absence of consensus, the drafter assumes a motivated solution, leaving the final decision to the competent authority.

The Parliament's Rules of Procedure reinforce the mechanism: permanent committees may establish working groups with experts and stakeholders, are obliged to ensure the consultation of draft projects (hearings, debates), to publish a synthesis of recommendations on the Parliament's website, and to submit, for inclusion on the agenda, a complete file containing the results of the consultation. Thus, consultation acquires a real and verifiable character: drafts do not advance without proof that this stage has been completed.

The critical aspect highlighted by the research is the risk of formalism. Even with a relatively complete framework, the impact of consultation diminishes if the syntheses and justifications for rejection become ritualistic. From this arise proposals for improvement: (i) clear mechanisms to monitor the recommendations that are incorporated (e.g., precise marking in the explanatory note/report of each proposal accepted or rejected, with justification); (ii) sanctions for non-compliance with the stages or for unjustified disregard of reasonable proposals.

Comparatively, in Romania there is no explicit regulation of public consultation as a parliamentary procedure; transparency is primarily ensured through Law no. 52/2003 on decision-making transparency in public administration (focused on administrative decisions, not parliamentary legislative procedure). In practice, openness depends on the Rules of Procedure of the Chambers and internal practices, leaving a normative gap relative to the objectives of participatory democracy. The research recommends the explicit legislative recognition of public consultation within the parliamentary procedure, including minimum standards, deadlines, and obligations for justification.

Paragraph five of the chapter (2.5. *The referendum as a form of citizen participation in the legislative process*) examines the referendum as an instrument of direct citizen participation in the legislative process, analyzing the types of referendums and their legal and constitutional regulations in Romania and the Republic of Moldova.

The referendum represents one of the most important forms of direct citizen participation in the legislative process, being established as a mechanism of direct democracy through which the people express their will on major state and societal issues. Among the various types of referendums, only the constitutional and legislative referendums can be considered genuine instruments of lawmaking, as they allow the electorate to validate or reject already drafted normative texts.

In Romania, the regulation is governed by Law no. 3/2000, yet only the referendum on constitutional revision has a true legislative effect. This referendum is mandatory and decisive: after the draft is adopted by Parliament and reviewed by the Constitutional Court, citizens are called upon to approve or reject the revision text by vote, with the popular decision having immediate legal force. In this way, sovereignty is exercised directly, and the legitimacy of the new constitutional provisions is reinforced.

In the Republic of Moldova, the normative framework is more complex. The Constitution mandates a compulsory referendum for amending provisions concerning the sovereignty, independence, unity, and neutrality of the state, with the procedure initiated exclusively by Parliament. The Electoral Code, however, introduces two additional mechanisms: the constitutional revision referendum, which can be initiated by citizens, and the legislative referendum, allowing for the direct approval of certain laws of special importance. These mechanisms involve restrictive conditions, such as the collection of a very large number of signatures and submission of a fully reviewed draft law, and can additionally be blocked by Parliament deciding to address the issue through other means.

Thus, although the Moldovan normative framework appears to offer citizens more opportunities for direct participation, the excessively complicated procedures, inconsistencies between the Constitution, the Parliamentary Rules, and the Electoral Code, as well as the potential for institutional blockage, significantly reduce the effectiveness of these instruments.

In conclusion, in Romania, citizens' role is exercised through a referendum with direct and mandatory constitutional impact, whereas in the Republic of Moldova the mechanisms are more numerous but harder to utilize due to procedural barriers and legislative inconsistencies. Therefore, harmonization of the Moldovan normative framework and simplification of procedures are necessary to transform the referendum into a real and effective instrument of participatory democracy, capable of strengthening both the legitimacy and quality of the legislative process.

Chapter 3 – The citizen as a subject of the normative process in Romania and the Republic of Moldova examines in depth how citizens can participate in the normative process of central and local public authorities in both countries, emphasizing the rights recognized for them and the legal instruments made available to facilitate their involvement.

The first paragraph of the chapter (*3.1. Particularities of the normative process in Romania*) is dedicated to analyzing Romania's normative process, highlighting the differences between the regulation of the normative process of central public authorities and that of local public authorities.

The Romanian normative process is the mechanism through which the administration transforms laws into applicable rules via subordinate acts. Its architecture is based on the Constitution (which establishes the types of government acts), Law no. 24/2000 (legislative technique), the Administrative Code (organization, competencies, regime of acts), Law no. 90/2001 (Government and ministries), and the 2009 Government Regulation (the concrete pathway of projects). At the central level, the Government adopts decisions and ordinances; ministries and central authorities issue orders and

instructions. The standard pathway is clear: project initiation, public and interinstitutional consultation, review (including the Legislative Council and substantive opinions – Justice, Finance, European Affairs), inclusion on the agenda, deliberation in the Government session, adoption, and publication in the Official Gazette. The General Secretariat of the Government orchestrates the workflow, verifies form and procedural compliance, while Law no. 52/2003 imposes transparency and public dialogue. A notable vulnerability is the duplication of regulations between the Administrative Code and Law no. 90/2001 (types of acts/regime), which could benefit from consolidation into a single, clearer framework.

At the local level, the normative process belongs to autonomous authorities: local/county councils (deliberative) and mayors/presidents of councils (executive). Councils adopt normative decisions on matters of local interest; mayors primarily issue individual orders, while their normative provisions are specific and limited to cases provided by law (typically special situations). Initiatives can originate from elected officials or citizens (supported by a signature threshold), and projects are substantiated by the specialized apparatus, reviewed in committees, debated, and voted on in public sessions. Publication brings the normative acts into force, and the prefect exercises legality control, with the possibility of referring issues to administrative litigation. Legislative technique (Law no. 24/2000) and decision-making transparency (Law no. 52/2003) are mandatory at this level as well, and the role of the secretary of the territorial-administrative unit is essential for ensuring compliance.

Conclusions: (1) At the central level, the procedure is well-phased and relatively predictable, with the General Secretariat of the Government playing a pivotal role and solid legality checks in place; efficiency depends on the quality of public consultation and the discipline of the approval process. (2) At the local level, the true “normative process” belongs to the councils; the normative acts of mayors are exceptions rather than the rule. (3) Public involvement – through consultation and citizen initiatives – exists at both levels but has real impact only when accompanied by justification for the integration or rejection of proposals. (4) A useful adjustment would be the elimination of central normative overlaps and the strengthening of monitoring mechanisms regarding the use of public recommendations. Overall, the architecture is functional and oriented toward the rule of law; its performance can be enhanced by normative coherence and a consistent administrative culture of transparency.

Paragraph two of the chapter (3.2. *Specifics of the normative process in the Republic of Moldova*) is devoted directly to the stages and particularities of the normative process in the Republic of Moldova, highlighting the differences between the regulation of the normative process of central public authorities and that of local authorities.

The section starts from the premise that, in the Republic of Moldova, Law no. 100/2017 unified the technical rules and procedures for drafting normative acts into a single framework, but it created a major ambiguity: while it defines a “normative act” as the product of all public authorities, the procedural rules in the chapter dedicated to “legislation” are, in practice, written almost exclusively for parliamentary laws. The result is an imbalance: the legislative process is meticulously regulated, whereas the normative process of the executive remains diffuse.

In practice, this gap is partially covered by the Government’s Regulation, which provides a detailed description of the project workflow: initiation, registration with the State Chancellery, appraisal/consultation/expertise, resolution of divergences, Government session, signing, and publication. Resolutions are distinguished (normative and non-normative), ordinances issued under delegated authority, and organizational directives. The procedure is functional and transparent, but its

legal status remains subordinate to the law; hence the key question arises: on which unifying primary norm does it rely, and to what extent can it be legitimately extended beyond the Government to other administrative authorities?

The conclusion for the central level is clear: it is necessary to amend/clarify Law no. 100/2017 so that the procedural regulation is unified, at the legislative level, for all authorities issuing subordinate normative acts. Only in this way can common standards of quality, predictability, and legality control be achieved across the entire executive chain.

At the local level, the institutional architecture mirrors the Romanian model: local and district councils function as deliberative authorities, while mayors and district heads act as executives. General regulatory competence belongs to the councils, which adopt both normative and individual decisions; mayors issue directives, but their normative role is limited and derives from their executive function.

The regime of local acts is coherent at the level of principles: normative decisions and ordinances enter into force upon their registration in the State Register of Local Acts (or on the date specified), while individual acts take effect upon notification. Procedurally, the councils' framework regulation structures the steps as follows: initiative (mainly by councilors, with advisory input from the executive), review by committees and specialized departments, inclusion on the agenda, deliberation and voting, followed by signing, countersigning, publication, and archiving. The Law on Decision-Making Transparency complements the process with obligations for public consultation.

From the perspective of effective functioning, the local normative process is most robust when it remains within the purview of the councils; there, deliberation, review, and legality control (including through the secretary and the territorial offices of the State Chancellery) are ensured. In contrast, normative interventions by the mayor should remain exceptional and strictly framed by law, so as not to substitute for deliberation.

General conclusions at the local level: the existing framework allows for legitimate and transparent regulation, but the quality decisively depends on procedural discipline (well-founded initiation, genuine review, effective consultation, and reasoned decisions) and on publicity through the State Register. Strengthening technical-legal capacity at the local authority level and digitizing workflows (publication, reviews, summaries) are direct conditions for clearer and more enforceable norms.

Overall, the chapter highlights a contrast: at the central level, detailed procedures exist in sublegal acts, but without a unifying legislative anchor; at the local level, there is a sufficiently structured procedural framework for deliberation, yet quality depends on implementation and legality control. The reform direction is twofold: (1) elevating procedural standards for all executive normative acts to the level of law, and (2) strengthening transparency and justification mechanisms, both centrally and locally, in order to transform consultation and review from formal steps into genuine guarantees of normative quality.

Paragraph three of the chapter (3.3. *Citizen participation in the normative process of central public authorities*) is dedicated to the issue of citizen involvement in the normative process carried out at the level of central public authorities, identifying the legal instruments through which citizens can influence their decision-making process.

The section emphasizes that genuine citizen participation in the normative process directly depends on institutional transparency: without the timely publication of draft acts and their

justifications, consultations become merely formal, and public trust diminishes. In Romania, the principle of transparency is enshrined in the Administrative Code and operationalized through Law no. 52/2003, which provides for prior announcement, written consultation and/or public debate, justification for disregarded recommendations, access to meetings, and annual reports. However, the law does not impose obligations on the Parliament, the President, or the Government, leaving the “executive-legislative apex” outside these guarantees. The 2009 Government Regulation refers initiators to transparency rules, yet the mechanism remains indirect, and citizens lack normative initiative at the Government level as well as effective access during the adoption phase (deliberations remain internal).

In the Republic of Moldova, Law no. 239/2008 explicitly covers the Government and the President (while for Parliament, it refers to its internal regulations), providing a more unified framework: notification at the initiation stage, publication of draft acts and supporting materials, consultations that must be properly documented, participation in public sessions when the law allows, and annual transparency reports. The Government Regulation practically supplements this framework by requiring the publication of summaries and lists of acts, the use of particip.gov.md, and the conduct of consultations and expert assessments. However, as in Romania, citizens do not have normative initiative at the Government level and are not involved at the moment of adoption; additionally, enforcement effectiveness is weakened by the absence of standardized sanctions for violations of transparency obligations.

Common conclusion: at the central level, public participation is robust during the drafting phase (through consultations) but remains primarily advisory and typically ends at the threshold of final deliberation. In Romania, the explicit exclusion of Parliament, the President, and the Government from the scope of Law no. 52/2003 fragments transparency standards; in Moldova, although the framework applies to the executive, the enforceability of sanctions is weak. The directions for improvement are clear: extending, through primary legislation, transparency obligations to all central authorities (including collegiate bodies), establishing or clarifying effective sanctions for noncompliance, and strengthening the traceability of responses to public recommendations (motivated syntheses, firm deadlines, full publication of intermediate versions). Only in this way does consultation transcend a formal status, and citizens become co-authors rather than mere spectators of central norms.

Paragraph four of the chapter (*3.4. Citizen involvement in the normative process of local public administration*) is dedicated to exploring the issue of citizen participation in the normative process at the local level, analyzing the forms of involvement and the mechanisms specific to local public authorities.

The section starts from the constitutional principle of citizen consultation on local matters of special interest, viewed as a guarantee that local autonomy remains connected to the community. From this premise derives the status of the citizen as a subject of the local decision-making process, with correlative rights and procedural obligations for the authorities.

The main instruments are twofold: the local referendum and the public consultation of draft decisions. The referendum—regulated by the Electoral Code—allows the community to decide directly on major local issues (including the recall of the mayor), thus constituting a decision-making, not merely consultative, mechanism. However, the current framework presents ambiguities: decisions adopted through a referendum can be amended by the council with a qualified majority, and the explicit

scope of issues subject to referendum is limited. Consequently, proposed improvements include strengthening the legal force of referendum results, expanding the range of matters that can be submitted to popular vote, and establishing a genuine popular veto.

For routine matters, consultation takes place through public hearings and debates, with mandatory consultation on draft council decisions. The emphasis here is on transparency, documentation of recommendations, and motivation of the adopted solutions, so that citizen involvement is substantive rather than merely formal.

Serving as a bridge between direct and representative democracy, the general assembly of residents emerges as a useful instrument, easier to organize than a referendum. Although partially regulated (in connection with the village delegate), it can become a forum in which the community formulates common positions and requests normative initiatives, with the obligation of authorities to report periodically and to co-prioritize local objectives.

The conclusion is twofold: on the one hand, the normative framework provides genuine channels for participation (referendum, public consultations, assemblies); on the other hand, their effectiveness depends on legislative clarifications (the status and effects of the referendum, the expansion of consultable domains, the role of assemblies) and on administrative practice that ensures transparency, traceability of recommendations, and a culture of civic dialogue. Only in this way does citizen participation move from occasional to structural, and local decision-making gains legitimacy and enhanced quality.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

As a result of the research conducted in this doctoral thesis, the following key conclusions can be highlighted:

1. The creation of law can be divided into two distinct segments, depending on the significance of the adopted acts: a) *Lawmaking*, which represents the process of enacting legislative acts by the supreme legislative authority (the legislator) according to a special procedure, including distinct stages of the legislative process; b) *Normative activity* (regulation), which concerns the adoption of normative acts by public authorities or their officials, aimed at regulating administrative matters and implementing the laws.

2. *Lawmaking* and *regulation* are two complementary processes, each playing a distinct role in the creation of law. Law-making constitutes the central activity of the legislative authority, whereas regulation represents the broader activity of governing administrative domains under the authority of the executive and other competent institutions.

3. The main forms of citizen participation in the legislative process, as normatively regulated, are [3, p. 346]: *popular legislative initiative*, *public consultation on draft legislative acts*, and *legislative referendum*. All of these play a significant role in fostering and harnessing the benefits of participatory democracy within the existence and functioning of the rule of law.

4. The popular initiative encompasses both citizens' legislative and constitutional initiatives, as well as their right to trigger national referendums. Essentially, the popular initiative serves as an instrument for stimulating a decision-making process that is either conducted and concluded by authorities (popular legislative initiative) or directly by citizens (popular constitutional initiative and legislative referendum) [2, p. 19; 4, p. 132].

5. The right to a popular legislative initiative must be clearly distinguished from the right to initiate a legislative referendum (commonly referred to as a “popular initiative”), since, in the first case, citizens only have the ability to trigger a decision-making process (that is, to prompt the legislative process without influencing its course or outcome [3, p. 346]), whereas in the second case, the entire decision-making process belongs to the citizens, who determine its final outcome.

6. A comparative analysis of the citizens’ constitutional initiative in Romania and the Republic of Moldova shows that, although this right is enshrined in both constitutions, it is subject to strict conditions, sometimes similar. The main differences are: (a) in Romania, any constitutional amendment is validated through a referendum, whereas in the Republic of Moldova only certain cases require this procedure; (b) in the Republic of Moldova, the initiative becomes null if Parliament does not adopt it within one year; (c) Romania has a unified and detailed regulation (Law no. 189/1999), whereas in the Republic of Moldova, following the repeal of Law no. 387/2001 in 2022, the citizens’ constitutional initiative remains governed solely by constitutional provisions, without a special law detailing the procedure. This significantly reduces its applicability and effectiveness.

7. *Public consultation*, as a distinct instrument of citizen participation in the legislative process, is not enshrined at the constitutional level but represents a legislative creation. In the Republic of Moldova, this institution is explicitly regulated by Law no. 100/2017 and by the Parliament’s Rules of Procedure, applying both in the pre-parliamentary and parliamentary phases of the legislative process.

8. The effectiveness of these regulations, however, depends on how they are implemented. If consultation procedures are observed only formally, without genuinely integrating the recommendations of civil society, the impact of public consultation is diminished. Therefore, it is essential for both institutions and citizens to actively monitor compliance with these obligations. In this regard, the following improvements are considered useful: (1) the establishment of clear mechanisms to track how received proposals are utilized – for example, the explicit mention of integrated recommendations in the project’s explanatory memorandum; (2) the introduction of sanctions for failure to comply with public consultation stages or for unjustified disregard of pertinent proposals.

9. Comparatively, in Romania, public consultation is not regulated as a distinct stage of the legislative process. Law no. 52/2003 provides for it only in relation to administrative acts issued by public authorities. Since public consultation is essentially one of the most effective forms of citizen participation, it is considered appropriate to explicitly enshrine it in Romanian legislation, which would significantly contribute to strengthening participatory democracy.

10. *The constitutional and legislative referenda* represent the main forms through which citizens can participate directly in the legislative process. In Romania, a constitutional referendum is mandatory for any revision of the Constitution and is initiated by Parliament. In the Republic of Moldova, the situation is more complex: the Constitution mandates a constitutional referendum only for essential changes (e.g., sovereignty, neutrality), while the Electoral Code extends this mechanism, allowing citizens to initiate referenda on other constitutional provisions as well. This dual regulation creates procedural confusion and potential constitutional inconsistencies. Moreover, Moldova’s Electoral Code combines citizen initiative with the referendum, making the process difficult and largely inaccessible in the absence of detailed regulation. Initiating a referendum depends on fulfilling all conditions associated with the constitutional initiative, which significantly limits the practical applicability of this democratic instrument.

11. Regarding the *legislative referendum*, it is regulated solely by the Electoral Code of the Republic of Moldova, without a clear constitutional basis. Citizens can propose such referenda; however, the absence of an explicit constitutional provision and the unclear role of Parliament raise questions concerning both its constitutionality and practical functioning.

12. In conclusion, although the legislation of the Republic of Moldova appears to provide more instruments for citizen participation than that of Romania, the inconsistencies and lack of a unified regulatory framework across the Constitution, the Parliamentary Rules, and the Electoral Code seriously undermine the effectiveness of these forms of direct democracy [5, p. 61]. A substantial legislative review and harmonization are therefore necessary.

13. In both Romania and the Republic of Moldova, various forms of citizen involvement in the legislative decision-making process are enshrined at the legislative level, along with the specific procedural stages required for their implementation. At the same time, it must be acknowledged that their value largely derives from practical effectiveness, making it absolutely essential that these mechanisms do not remain merely declarative [6, p. 219].

14. *The normative process* encompasses all activities through which public authorities adopt subordinate normative acts, with the purpose of organizing and implementing the primary legal provisions. This process takes place at both central and local levels and is governed by the Constitution, special laws, and subordinate normative acts.

15. Although the distinction between the *legislative process* and the *normative process* appears clear, certain ambiguities persist at the regulatory level in both Romania and the Republic of Moldova. One of the most significant ambiguities concerns the extent to which citizens can effectively participate in the normative process of single-person authorities. While the legislation in Romania and the Republic of Moldova recognizes a general right for citizens to engage in decision-making, current regulations do not explicitly clarify how this right applies in the context of acts issued by single-person authorities. This ambiguity may limit active citizen participation and create confusion regarding the responsibilities of authorities in facilitating the exercise of this right.

16. Considering the specific nature of the process for issuing normative administrative acts by single-person public authorities, which lack explicit and detailed regulation, we consider that a genuine normative process can be carried out exclusively by collegiate public authorities at both the central and local levels.

17. The analysis of the regulations governing the normative process of the Government (in both states) highlights the distinct role of central and local public authorities, which are vested with the right of normative initiative. As initiating authorities, they bear direct responsibility for interacting with citizens, thereby ensuring not only the transparency of the decision-making process but also public participation in the drafting of normative acts. Consequently, these (collegiate) authorities are not only able to carry out their own normative processes but can also actively participate in the initial stage of the Government's normative process.

18. Regarding local public authorities, the mayor's role in the local normative process is limited compared to that of the local council, due to the mayor's predominantly executive function. Although the mayor heads the local public administration and its specialized apparatus, they do not hold general authority to adopt normative acts. This competence rests with the local council, which exercises deliberative and decision-making powers over matters of local interest. Thus, while the local normative

process is dominated by the council's deliberative authority, the mayor's role is confined to implementing the decisions adopted by the deliberative body [7].

19. These aspects reveal a clear discrepancy between the states' declared commitment to transparency and participatory democracy on one hand, and the concrete regulation of mechanisms for citizen involvement on the other. Although legislation recognizes the right of citizens to participate in the normative process, in practice this right is often difficult to exercise – particularly in the case of normative activities of single-headed authorities. In this context, both states need to establish clear and concrete regulations defining the situations in which citizens can effectively intervene in the decision-making processes of central and local public authorities, thereby eliminating merely declarative provisions.

20. The main form of citizen participation in the normative process of central public authorities, in both Romania and the Republic of Moldova, is the public consultation of draft normative acts, a mechanism through which citizens can contribute to shaping the content of future regulations. In contrast, within the normative process of local public authorities, citizens have broader opportunities for involvement: they can initiate normative processes, submit objections and recommendations during the public consultation of drafts, and participate directly in the deliberative process of local authorities, during which normative acts are adopted.

Legislative recommendations. Following the analysis of citizen participation mechanisms in the legislative and normative processes in Romania and the Republic of Moldova, the following law-making proposals (*lex ferenda*) are recommended, aimed at improving the legal framework and strengthening participatory democracy:

a) Explicit enshrinement in the Constitution of the Republic of Moldova of citizens' right to legislative initiative [2, p. 20; 4, p. 133; 6, p. 216; 5, p. 60]. Including this right directly in the Fundamental Law would ensure clarity, legitimacy, and coherence between the Constitution and electoral legislation, while preventing potential risks of unconstitutionality.

b) Adoption of a special law regarding citizens' constitutional initiative in the Republic of Moldova. In light of the repeal of Law no. 387/2001, it is necessary to draft new regulations that clearly define the conditions, stages, and procedures for exercising this right, with the aim of enhancing its practical effectiveness.

c) Development of an integrated and coherent legal framework for the legislative initiative and legislative referendum in the Republic of Moldova. It is necessary to harmonize the Constitution, the Electoral Code, and the Parliament's Rules of Procedure to ensure clear regulation of the competencies, procedural stages, and legal effects of these mechanisms.

d) Extension of the applicability of public consultation in Romania to the legislative process itself, carried out by Parliament. It is necessary to amend the legislation to include public consultation within parliamentary activity through clear and mandatory provisions, aiming to strengthen transparency and civic participation.

e) Explicit recognition in the Constitution of Romania of citizens' right to participate in administration. Such a provision would strengthen participatory democracy, encourage civic engagement, and ensure more transparent and accountable governance. Constitutional acknowledgment of this right would lay the groundwork for developing effective mechanisms for public consultation and direct involvement in the decision-making process.

f) Introduction of sanctions for non-compliance with the public consultation procedure or for unjustified disregard of citizens' recommendations. To prevent consultations from being applied formally and ineffectively, it is necessary to establish clear punitive provisions applicable to authorities that fail to respect the stages or the spirit of public consultation.

Recommendations for future research: During the course of this study, several doctrinal gaps and problematic aspects were identified, which clearly require further theoretical examination. Accordingly, future research should focus on:

- *Legislative level:* Deepening the analysis of sanctions applicable in cases where citizens' proposals and recommendations are ignored during the legislative process, including an assessment of their effects on the quality and legitimacy of normative acts.

- *Central public authorities (executive):* Investigating the actual limits of citizen involvement during the decision-making stage, as well as the consequences of a lack of transparency on public accountability and trust in central institutions.

- *Local level:* Examining the practical utilization of consultation instruments (local referenda, general assemblies of residents, public hearings), identifying the causes of their underuse, and evaluating their potential impact on the strengthening of participatory democracy.

-

BIBLIOGRAPHY

1. DELEANU, I. *Instituții și proceduri constituționale – în dreptul român și comparat*. București: C.H. Beck, 2006.

2. LAZĂR, M., COSTACHI, Gh. *Inițiativa legislativă populară ca instrument al democrației participative*. În: *Legea și Viața*, 2022, nr. 2.

3. LAZĂR, M., COSTACHI, Gh. *Implicarea cetățenilor în procesul legislativ ca formă de manifestare a democrației participative*. În: Scientific Collection «InterConf», (94): with the Proceedings of the 5 th International Scientific and Practical Conference «Science, Education, Innovation: Topical Issues and Modern Aspects» (December 25-26, 2021). Tallinn, Estonia: Ühingu Teadus juhatus, 2021.

4. LAZĂR, M. *Dreptul cetățenilor la inițiativă legislativă: între necesitate și realitate*. În: „Drepturile omului și justiția în Republica Moldova în contextul integrării europene”, materiale ale conferinței științifico-practice cu participare internațională din 10 decembrie 2022, mun. Chișinău. Chișinău: USPEE (CEP USM), 2023.

5. LAZĂR, M. *Cetățenii ca subiecți ai procesului decizional al Parlamentului*. În: *Legea și Viața*, 2020, nr. 5-6.

6. LAZĂR, M. *Cetățeanul ca subiect al procesului decizional legislativ*. În: „Statul, securitatea și drepturile omului în era digitală”, materiale ale conferinței științifice internaționale din 8-9 decembrie 2022, Universitatea de Stat din Moldova. Chișinău: CEP USM, 2023.

7. LAZĂR, M., COSTACHI, Gh. *Procesul normativ al autorităților publice locale din România*. În: *Legea și Viața*, 2025, nr. 1.

LIST OF PUBLICATIONS ON THE TOPIC OF THE DOCTORAL THESIS

1. **LAZĂR, M.** *Subiecții procesului legislativ: considerații generale.* În: *Legea și Viața*, 2020, nr. 3, pp. 52-60 (0,67 c.a.). ISSN 1810-309X. Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/98685.
2. **LAZĂR, M.** *Cetățenii ca subiecți ai procesului decizional al Parlamentului.* În: *Legea și Viața*, 2020, nr. 5-6, pp. 58-61 (0,56 c.a.). ISSN 1810-309X. Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/107728.
3. **LAZĂR, M., COSTACHI, Gh.** *Inițiativa legislativă populară ca instrument al democrației participative.* În: *Legea și Viața*, 2022, nr. 2, pp. 15-25 (1,0 c.a.) ISSN 1810-309X. Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/156052.
4. **LAZĂR, M., COSTACHI, Gh.** *Procesul normativ al autorităților publice locale din România.* În: *Legea și Viața*, 2025, nr. 1, p. (0,7 c.a.) ISSN 1810-309X.
5. **LAZĂR, M.** *Legiferarea și normarea ca modalități de creare a dreptului.* În: Scientific Collection «InterConf», (68): with the Proceedings of the 3rd International Scientific and Practical Conference «Experimental and Theoretical Research in Modern Science» (July 26-28, 2021). Kishinev, Moldova: Giperion Editura, 2021, pp. 112-118 (0,38 c.a.). ISBN 978-5-368-01372-5. Disponibil: <https://archive.interconf.center/index.php/conference-proceeding/issue/view/26-28.07.2021/86>.
6. **LAZĂR, M.** *Reglementarea juridică a procesului legislativ și normativ în Republica Moldova.* În: Scientific Collection «InterConf», (69): with the Proceedings of the 9 th International Scientific and Practical Conference «Scientific Horizon in the Context of Social Crises» (August 6-8, 2021). Tokyo, Japan: Otsuki Press, 2021, pp. 154-159 (0,33 c.a.). ISBN 978-4-272-00922-0. Disponibil: <https://ojs.ukrlogos.in.ua/index.php/interconf/article/view/14040>.
7. **LAZĂR, M., COSTACHI, Gh.** *Implicarea cetățenilor în procesul legislativ ca formă de manifestare a democrației participative.* În: Scientific Collection «InterConf», (94): with the Proceedings of the 5 th International Scientific and Practical Conference «Science, Education, Innovation: Topical Issues and Modern Aspects» (December 25-26, 2021). Tallinn, Estonia: Ühingu Teadus juhatus, 2021, p. 342-350 (0,65 c.a.). ISBN 978-5-7983-4322-5. Disponibil: <https://ojs.ukrlogos.in.ua/index.php/interconf/article/view/17775>.
8. **LAZĂR, M.** *Cetățeanul ca subiect al procesului decizional legislativ.* În: „Statul, securitatea și drepturile omului în era digitală”, materiale ale conferinței științifice internaționale din 8-9 decembrie 2022, Universitatea de Stat din Moldova. Chișinău: CEP USM, 2023, pp. 213-222 (0,7 c.a.) ISBN 978-9975-62-531-9. Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/183455.
9. **LAZĂR, M.** *Crearea dreptului: între legiferare și normare.* În: „Statul, securitatea și drepturile omului în era digitală”, materiale ale conferinței științifice internaționale din 14-15 decembrie 2023, Universitatea de Stat din Moldova. Chișinău: CEP USM, 2024, pp. 376-381. ISBN 978-9975-62-764-1 (PDF). Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/219621.
10. **LAZĂR, M., CERNEAN, Iu., COSTACHI, Gh.** *Rolul și valoarea democrației în exercitarea puterii de stat.* În: „Rolul instituțiilor democratice în asigurarea protecției drepturilor și libertăților fundamentale ale omului”, materialele mesei rotunde cu participare internațională din 8 decembrie 2020. Chișinău: AAP, 2021, pp. 18-27. (0,82 c.a.) ISBN 978-9975-3492-4-6. Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/141519.

11. **LAZĂR, M.** *Reglementarea juridică a procesului legislativ și normativ din Republica Moldova.* În: „Justiția – pilon fundamental al edificării statului de drept”, conferință științifică cu participare internațională din 19 octombrie 2022, Universitatea de Stat „Alecu Russo” din Bălți. Bălți: S.n., 2023, pp. 353-363 (0,5 c.a.) ISBN 978-9975-50-300-6 (PDF). Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/183311.
12. **LAZĂR, M.** *Dreptul cetățenilor la inițiativă legislativă: între necesitate și realitate.* În: „Drepturile omului și justiția în Republica Moldova în contextul integrării europene”, materiale ale conferinței științifico-practice cu participare internațională din 10 decembrie 2022, mun. Chișinău. Chișinău: USPEE (CEP USM), 2023, pp. 129-139 (1,1 c.a.) ISBN 978-9975-3509-0-7 (PDF). Disponibil: https://ibn.idsi.md/sites/default/files/imag_file/129-139_8.pdf.
13. **LAZĂR, M., COSTACHI, Gh.** *Cetățeanul ca subiect al procesului decizional local din Republica Moldova.* În: „Devianță și Criminalitate: Evoluție, Tendințe și Perspective”, Volumul VI – 2022, materialele conferinței naționale cu participare internațională din 10-11 noiembrie 2022, Universitatea „George Bacovia” din Bacău. Bacău: Universul Juridic, 2023, pp. 382-390 (0,7 c.a.) ISSN 2559 – 4915.
14. **LAZĂR, M.** *Reglementarea juridică a procesului legislativ și normativ în Republica Moldova.* În: „Devianță și Criminalitate: Evoluție, Tendințe și Perspective”, Volumul VI – 2022, materialele conferinței naționale cu participare internațională din 10-11 noiembrie 2022, Universitatea „George Bacovia” din Bacău. Bacău: Universul Juridic, 2023, pp. 391-397 (0,5 c.a.) ISSN 2559 – 4915.
15. **LAZĂR, M.** *Exercitarea dreptului la inițiativă legislativă cetățenească în România.* În: „Independența justiției constituționale și impactul ei asupra provocărilor actuale din domeniul drepturilor omului”, materialele mesei rotunde dedicată împlinirii a 75 de ani ai Declarației Universale a Drepturilor Omului, din 9 decembrie 2023, Institutul Justiției Constituționale, publicate în *Tribuna Constituțională*, 2024, nr. 2, pp. 140-150 (0,7 c.a.). E-ISSN-2953-7045. Disponibil: https://ibn.idsi.md/ro/vizualizare_articol/204955.
16. **LAZĂR, M., COSTACHI, Gh.** *Dreptul cetățenilor la administrare – fundament al democrației participative.* În: „Știință. Educație. Cultură”, materiale ale conferinței științifico-practice internaționale, dedicate aniversării de 34 ani de la fondarea Universității de Stat din Comrat, 11 februarie 2025. Comrat: S.n., 2025, pp. 591-597 (0,78 c.a.). ISBN 978-9975-83-334-9. Disponibil: <https://kdu.md/images/Files/34-a-aniversare-a-universitatii-de-stat-din-comrat-culegere-de-articole-1.pdf>.

ADNOTARE

Lazăr Matei. *Cetățeanul ca subiect al procesului legislativ și normativ din România și Republica Moldova.* Teză de doctor în drept; specialitatea 552.01 – Drept constituțional. Chișinău, 2025

Structura tezei: introducere, trei capitole, concluzii generale și recomandări, bibliografie de 214 de titluri, 190 de pagini de text științific. Rezultatele cercetării sunt publicate în 16 lucrări științifice.

Cuvinte-cheie: cetățean, act normativ, lege, proces legislativ, proces normativ, democrație participativă, inițiativă legislativă, inițiativă constituțională, inițiativă normativă, referendum legislativ, referendum constituțional, consultare publică.

Scopul studiului constă în analiza comparativă a mecanismelor juridice de participare a cetățenilor la procesul legislativ și normativ din România și Republica Moldova, în vederea identificării și evaluării instrumentelor juridice existente, elucidării problemelor aferente și formulării unor soluții de optimizare a cadrului normativ, care să contribuie la consolidarea democrației participative și a statului de drept.

Obiectivele cercetării: a) analiza teoriei legiferării și normării, a teoriei democrației participative și a dreptului cetățenilor la administrare, în vederea fundamentării metodologice a cercetării și a stabilirii cadrului conceptual necesar examinării mecanismelor juridice de participare a cetățenilor la procesul legislativ și normativ; b) analiza procesului legislativ și normativ din România și Republica Moldova, cu delimitarea esenței, particularităților de reglementare, subiecților, responsabilităților și etapelor specifice fiecăruia; c) studierea formelor de participare a cetățenilor în procesul legislativ din România și Republica Moldova, prin analiza instituțiilor juridice consacrate (inițiativa legislativă populară, consultarea publică, referendumul) și evaluarea reglementării acestora, în vederea aprecierii măsurii în care pot fi efectiv valorificate și a gradului lor de eficiență în implicarea reală a cetățenilor în procesul decizional legislativ; d) investigarea modalităților de participare a cetățenilor în procesul normativ din România și Republica Moldova, la nivelul autorităților publice centrale și locale, prin analiza instrumentelor juridice consacrate și evaluarea cadrului normativ aplicabil, în vederea determinării eficienței acestora în facilitarea implicării reale a cetățenilor în procesul decizional normativ.

Noutatea și originalitatea științifică a studiului constau în abordarea comparativă a proceselor legislative și normative din România și Republica Moldova, precum și a mecanismelor juridice de participare a cetățenilor în cadrul acestora. Studiul se distinge prin analiza detaliată a instrumentelor legale de participare cetățenească – inițiative legislative și normative populare, consultări publice și referendumuri – în contextul celor două state, cu scopul de a evidenția similitudinile și diferențele în reglementarea acestora și de a aprecia gradul lor de aplicabilitate și eficiență în consolidarea democrației participative.

Rezultatele obținute, care contribuie la soluționarea problemei științifice importante, constau în elaborarea unei analize comparative a mecanismelor juridice de participare a cetățenilor la procesul legislativ și normativ din România și Republica Moldova. Aceasta a permis evaluarea instituțiilor și instrumentelor juridice consacrate (inițiative legislative și normative populare, consultări publice, referendumuri), aprecierea eficienței lor în implicarea efectivă a cetățenilor în procesul decizional și, în consecință, fundamentarea unor soluții de optimizare a cadrului juridico-constituțional, menite să consolideze democrația participativă și să orienteze participarea cetățenilor în procesele legislative și normative.

Semnificația teoretică. Rezultatele cercetării contribuie la dezvoltarea teoriei dreptului constituțional și a dreptului administrativ, prin consolidarea legitimității și transparenței procesului decizional în România și Republica Moldova.

Valoarea aplicativă a lucrării. Rezultatele obținute pot fi utilizate ca repere pentru cercetări viitoare, în procesul didactic ca suport teoretic în cadrul cursurilor de specialitate, precum și în practica proceselor decizionale din cele două state.

Implementarea rezultatelor științifice. Rezultatele pot fi utilizate în revizuirea și optimizarea legislației constituționale și subsecvente, precum și în perfecționarea mecanismelor de participare a cetățenilor la procesul legislativ și normativ al autorităților publice.

ANNOTATION

Lazăr Matei. *The Citizen as a Subject of the Legislative and Normative Process in Romania and the Republic of Moldova.* Doctoral thesis in Law; Specialty 552.01 – Constitutional Law. Chișinău, 2025.

Structure of the thesis: Introduction, three chapters, general conclusions and recommendations, bibliography of 214 titles, 190 pages of scientific text. The research results have been published in 16 scientific papers.

Keywords: citizen normative act, law, legislative process, normative process, participatory democracy, legislative initiative, constitutional initiative, normative initiative, legislative referendum, constitutional referendum, public consultation.

Purpose of the study: The study aims to conduct a comparative analysis of the legal mechanisms for citizen participation in the legislative and normative processes in Romania and the Republic of Moldova, with a view to identifying and evaluating existing legal instruments, elucidating the related theoretical and normative issues, and formulating solutions to optimize the legal framework, thereby contributing to the consolidation of participatory democracy and the rule of law.

Research objectives: a) Analysis of the theory of legislation and norm-setting, the theory of participatory democracy, and the right of citizens to administration, in order to provide a methodological foundation for the research and establish the conceptual framework necessary for examining the legal mechanisms of citizen participation in the legislative and normative processes; b) Analysis of the legislative and normative processes in Romania and the Republic of Moldova, with a delineation of their essence, regulatory specificities, actors, responsibilities, and specific stages; c) Study of forms of citizen participation in the legislative process in Romania and the Republic of Moldova, through the analysis of established legal institutions (popular legislative initiative, public consultation, referendum) and evaluation of their regulation, to assess the extent to which they can be effectively utilized and, consequently, their efficiency in enabling citizens' real involvement in the legislative decision-making process; d) Investigation of methods of citizen participation in the normative process in Romania and the Republic of Moldova, at the level of central and local public authorities, through the analysis of established legal instruments and evaluation of the applicable regulatory framework, in order to determine their efficiency in facilitating genuine citizen involvement in the normative decision-making process.

Scientific novelty and originality consist in the comparative approach to legislative and normative processes in Romania and the Republic of Moldova, as well as to the legal mechanisms of citizen participation within these processes. The study is distinguished by a detailed analysis of legal instruments for citizen participation – popular legislative and normative initiatives, public consultations, and referenda – in the context of both states, with the aim of highlighting similarities and differences in their regulation and assessing their applicability and efficiency in consolidating participatory democracy.

Research results contributing to the solution of the scientific problem: The results consist in the development of a comparative analysis of the legal mechanisms for citizen participation in the legislative and normative processes in Romania and the Republic of Moldova. This allowed for the evaluation of established legal institutions and instruments (popular legislative and normative initiatives, public consultations, referenda), assessment of their efficiency in enabling citizens' actual involvement in decision-making, and, consequently, the formulation of solutions for optimizing the juridical-constitutional framework, intended to strengthen participatory democracy and guide citizen participation in legislative and normative processes.

Theoretical significance: The research results contribute to the development of constitutional law and administrative law theory by reinforcing the legitimacy and transparency of the decision-making process in Romania and the Republic of Moldova.

Practical value of the work: The results can serve as benchmarks for future research, as theoretical support in teaching specialized courses, and in the practice of decision-making processes in the two states.

Implementation of scientific results: The results can be used for reviewing and optimizing constitutional and subsidiary legislation, as well as for improving the mechanisms of citizen participation in the legislative and normative processes of public authorities.

АННОТАЦИЯ

Лазэр Матей. *Гражданин как субъект законодательного и нормативного процесса в Румынии и Республике Молдова.* Диссертация на соискание учёной степени доктора права; Специальность 552.01 – Конституционное право. Кишинёв, 2025.

Структура диссертации: введение, три главы, общие выводы и рекомендации, библиография из 214 наименований, 190 страниц научного текста. Результаты исследования опубликованы в 16 научных работах.

Ключевые слова: гражданин, нормативный акт, закон, законодательный процесс, нормативный процесс, партисипативная демократия, законодательная инициатива, конституционная инициатива, нормативная инициатива, законодательный референдум, конституционный референдум, публичные консультации.

Цель исследования состоит в сравнительном анализе правовых механизмов участия граждан в законодательном и нормативном процессах Румынии и Республики Молдова с целью выявления и оценки существующих правовых инструментов, уточнения связанных проблем и выработки решений по оптимизации нормативной базы, способствующих укреплению партисипативной демократии и правового государства.

Задачи исследования: а) Анализ теории законотворчества и нормотворчества, теории партисипативной демократии и права граждан на участие в управлении с целью методологического обоснования исследования и установления концептуальной базы для изучения правовых механизмов участия граждан в законодательном и нормативном процессах; б) Анализ законодательного и нормативного процессов в Румынии и Республике Молдова с выявлением их сути, особенностей регулирования, субъектов, ответственности и специфических этапов; в) Изучение форм участия граждан в законодательном процессе в Румынии и Республике Молдова через анализ закреплённых правовых институтов (популярная законодательная инициатива, публичные консультации, референдум) и оценку их регулирования с целью определения степени их практической реализации и, как следствие, эффективности в обеспечении реального участия граждан в законодательном процессе; г) Исследование способов участия граждан в нормативном процессе в Румынии и Республике Молдова на уровне центральных и местных органов власти через анализ закреплённых правовых инструментов и оценку применимой нормативной базы для определения их эффективности в обеспечении реального вовлечения граждан в нормативный процесс.

Научная новизна и оригинальность исследования заключается в сравнительном подходе к законодательным и нормативным процессам в Румынии и Республике Молдова, а также к правовым механизмам участия граждан в этих процессах. Исследование отличается детальным анализом правовых инструментов участия граждан – народных законодательных и нормативных инициатив, публичных консультаций и референдумов – в контексте обеих стран, с целью выявления сходств и различий в их регулировании и оценки их применимости и эффективности для укрепления демократии.

Результаты, способствующие решению научной проблемы, заключаются в разработке сравнительного анализа правовых механизмов участия граждан в законодательном и нормативном процессах Румынии и Республики Молдова. Это позволило оценить закреплённые правовые институты и инструменты (народные законодательные и нормативные инициативы, публичные консультации, референдумы), определить их эффективность в обеспечении реального участия граждан в принятии решений и, как следствие, обосновать решения по оптимизации нормативной базы, направленные на укрепление партисипативной демократии и практическое ориентирование участия граждан в законодательных и нормативных процессах.

Теоретическое значение: Результаты исследования способствуют развитию теории конституционного и административного права через укрепление легитимности и прозрачности процессов принятия решений в Румынии и Республике Молдова.

Практическая значимость работы: Полученные результаты могут служить ориентиром для дальнейших исследований, использоваться в учебном процессе как теоретическая поддержка на специализированных курсах, а также в практике принятия решений в обеих государствах.

Внедрение научных результатов: Результаты могут быть использованы для пересмотра и оптимизации конституционного и производного законодательства, а также для совершенствования механизмов участия граждан в законодательном и нормативном процессах органов власти.

Lazăr Matei

**THE CITIZEN AS A SUBJECT
OF THE LEGISLATIVE AND NORMATIVE PROCESS
IN ROMANIA AND THE REPUBLIC OF MOLDOVA**

Specialty:

552.01. Constitutional Law

Summary of the Doctoral Thesis in Law

Approved for printing: 25.09.2025

Offset paper. Offset printing.

Printing sheets.: 2.0.

Paper size 60x84 1/16

Edition 15 ex.

Order No. 125

Centrul Editorial-Poligrafic al USM
str. Al.Mateevici, 60, Chișinău, MD-2009